

Remarks/Arguments:

A final Office Action dated March 17, 2005 was issued that allowed claims 1-7 and finally rejected claims 8-10. Following a teleconference with the Examiner, the Applicant submitted a Response After Final Rejection dated May 11, 2005, in which claims 8-10 were canceled and claim 6 was broken up into amended claim 6 and new claim 11. The Remarks of that Response indicated that each of amended claim 6 and new claim 11 recited the subject matter that the final Office Action referenced was patentable subject matter. The Examiner issued an Advisory Action dated June 2, 2005, denying entry of the Response After Final Rejection and asserting that the preambles of amended claim 6 and new claim 11 were broader than claim 6 as allowed in the final Office Action.

The undersigned spoke with Examiner Yuwan Pan on June 9, 2005, and advanced that the preambles to amended claim 6 and new claim 11 recited the preamble of claim 6 as allowed in the final Office Action without modification. Confusion arose from the fact that, in the Response After Final Rejection, the undersigned changed indentations to more readily separate different claim elements, and failed to annotate the indentation changes in the remarks section. The Examiner indicated in the June 9, 2005 teleconference that he would reconsider entering those claim changes.

The undersigned notes that Advisory Action denied entry of the Response After Final Rejection, leaving claims 1-7 as allowed and claims 8-10 as rejected in the final Office Action. To avoid confusion in attempting to resurrect that earlier Response After Final Rejection, this Second Response After Final Rejection repeats the claim amendments and arguments as in that earlier Response which was denied entry. Amended claims are at pages 2-5 of this paper. Note that claim 6 alters indentation as compared to the previously allowed claim 6, but these indentation changes are not seen to change the meaning or scope of the claim. The preamble of claim 11 mirrors that of amended claim 6. The remarks and arguments of the May 11, 2005 Response After Final Rejection are re-presented immediately below. Entry is respectfully requested.

In the final Office Action dated March 17, 2005, the Examiner has allowed claims 1-7 and sustained the previous rejection to claims 8-10, making those rejections final.

Claims 8-10 are canceled herein.

In a teleconference with the undersigned on March 9, 2005, the Examiner indicated that he would consider the Applicant's proposal to split claim 6 into separate serving and drift RNC claims if submitted after issuance of the cited Office Action.

Claim 6 is amended and claim 11 is added herein, and both are seen to recite the allowable subject matter. Previous to this amendment, claim 6 recited a radio network controller (RNC) with some claim elements for the RNC operating as a serving RNC and other claim elements for the RNC operating as a drift RNC. The elements of claim 6 as allowed are now split among claims 6 and 11, each separately reciting the serving RNC elements and the drift RNC elements. Specifically, the elements pertaining to the RNC operating as a drift RNC are deleted from claim 6. Claim 11 is added that mirrors claim 6 but recites those elements for the RNC operating as a drift RNC, and not those elements for the RNC operating as a serving RNC.

In the cited Office Action, the Examiner incorporated as the reasons for allowance the "applicant's remark, filed on 7/16/04, and third paragraph" (mailing date July 9, 2005). In short, that paragraph recited that a reference to Nakamura taught a chronological time step over which transmission power may be adjusted, not a power increment by which the transmission power may be adjusted. The relevant claim language to distinguish over Nakamura's time interval teachings was characterized for brevity (in the fourth paragraph of the July 9, 2004 Response) as power limiting information from the drift RNC and power controlling information. Both power limiting information from the drift RNC and power controlling information are retained in claim 6, and are also recited in new claim 11.

Specifically, claim 6 recites in relevant part (for the RNC operating as a serving RNC):

means for establishing information controlling the transmission power in said macrodiversity connection branch based on information limiting the transmission power received from said drift radio network controller;

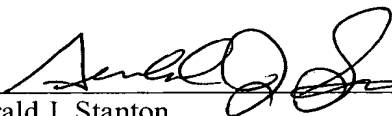
Claim 11 recites in relevant part (for the RNC operating as a drift RNC):

means for establishing information limiting the transmission power in said macrodiversity connection branch and for transmitting it to the serving radio network controller, and

means for establishing information controlling the transmission power of the drift base station on the basis of controlling information received from the serving radio network controller and means for transmitting it to the drift base station

As amended claim 6 and new claim 11 both derive from previously allowed claim 6 and each recites the subject matter that the cited Office Action deems allowable, the Applicant respectfully requests the Examiner enter this amendment and pass claims 1-7 and 11 to issue. Should the Examiner have any questions or comments, the undersigned welcomes the opportunity to resolve any matters that may remain via teleconference at the Examiner's discretion.

Respectfully submitted:


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June 9, 2005
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